

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Voshan Andre McMillian

Docket No. 5:11-CR-322-3BO

Petition for Action on Supervised Release

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Voshan Andre McMillian, who, upon an earlier plea of guilty to 18 U.S.C. § 371, Conspiracy to Possess Checks Stolen from the U.S. Mail: To Make, Utter, and Possess Altered Checks; and to Commit Bank Fraud, 18 U.S.C. §§ 513(a) and 2, Making and Possessing a Forged Security and Aiding and Abetting, and 18 U.S.C. §§ 513(a) and 2, Bank Fraud and Aiding and Abetting, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on September 19, 2012, to the custody of the Bureau of Prisons for a term of 21 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional condition:

The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

Voshan Andre McMillian was released from custody on July 19, 2013, at which time the term of supervised release commenced. On September 3, 2013, a violation report was submitted to the court reporting the defendant committed the offense of Driving While License Revoked (13CR718720) in Cumberland County, NC. The defendant was verbally reprimanded and instructed not to drive until properly licensed. The court agreed to continue supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On September 10, 2013, the defendant submitted a urine sample that tested positive for cocaine and benzodiazepine. When confronted with the results, the defendant admitted to using cocaine and a "pain pill" on or about September 7, 2013. It is requested that the conditions of supervised release be modified to include the standard drug aftercare condition so the defendant can be referred to substance abuse counseling and enrolled in our Surprise Urinalysis Program.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

Voshan Andre McMillian
Docket No. 5:11-CR-322-3BO
Petition For Action
Page 2

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt
Robert K. Britt
Senior U.S. Probation Officer

/s/ Eddie J. Smith
Eddie J. Smith
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: September 13, 2013

ORDER OF COURT

Considered and ordered this 17 day of September, 2013, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge